

MEMORANDUM
COMMUNITY DEVELOPMENT RESOURCE AGENCY
PLANNING SERVICES DIVISION
County of Placer

TO: Board of Supervisors
DATE: July 25, 2017

FROM: Steve Pedretti
Agency Director

BY: Jeff Thomas, Building Manager
Building Services Division

SUBJECT: Adopt amendments to Chapter 15, Article 15.04 of the Placer County Code
(Storage/Membrane Structures and Model Homes)

ACTIONS REQUESTED

1. Adopt the ordinance (introduced on July 11, 2017) to amend Placer County Code Chapter 15, Article 15.04, Section 15.04.070, Section 105.2, items 1 and 20, related to exempt permits; and Section 105.1.4(D) related to model home building permit issuance.,.
2. Find the action exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15061(b)(3).

BACKGROUND

On July 11, 2017, your Board introduced an ordinance to amend Placer County Code Chapter 15, Article 15.04, Section 15.04.070, Section 105.2, items 1 and 20, related to exempt permits; and Section 105.1.4(D) related to model home building permit issuance.

Currently, Chapter 15, Article 15.04, section 15.04.070 limits the use of permit exempt storage/membrane structures as residential accessory uses. This section was not intended to prohibit non-residential uses from installing similar exempt storage/membrane structures. Additionally, staff has determined membrane type shade/storage structures have been historically installed without permits due to vague or non-existent building standards.

As your Board may know, prefabricated storage/membrane structures intended for outdoor use can be purchased from many local retailers. In review of the Building Standards Codes, staff has determined that these free-standing portable storage/membrane structures may be installed without the benefit of a County building permit. The proposed amendments provide clarity for staff and the public that these types of storage/membrane structures are exempt from permit requirements. Finally, the California Government Code regulating divisions of land, known as the Subdivision Map Act (the Map Act), prohibits the sale, lease, or finance of any parcel or parcels of real property or *the commencement of construction of any building for sale, lease or financing thereon* until the final map is approved and recorded. The one exception to this prohibition is the construction of model homes which may occur prior to final map approval (Government Code Section 66499.30(a)).

Staff has determined current County Code provisions require *final map approval and recordation before a building permit for a model home can be issued* (Chapter 15, Article 15.04, Section 15.04.070, Section 105.1.4(D)(1) citing compliance with 105.1.4(B)(1)(Final Map approval and recordation)). The purpose of the proposed ordinance is to align County Code with the Map Act allowing the issuance of building permits for model homes prior to map recordation.

ENVIRONMENTAL DETERMINATION

This project is exempt from the California Environmental Quality Act under CEQA Guidelines section 15061(b)(3). The permit exemption modifications are consistent with the previous findings filled with the ordinance adoption and amendments of Chapter 15, Article 15.04 on November 22, 2016. Additionally, the present proposed ordinance aligns County Code with State law with respect to the timing of the issuance of building permits for model homes and does not create, in itself, a new entitlement. This exemption applies where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment.

FISCAL IMPACT

There is no fiscal impact to the County as a result of this action.

RECOMMENDATION

For the reasons stated above, staff recommends your Board take the following action:

1. Adopt the ordinance (introduced July 11, 2017) to amend Placer County Code Chapter 15, Article 15.04, Section 15.04.070, Section 105.2, items 1 and 20, related to exempt permits; and Section 105.1.4(D) related to model home building permit issuance.
2. Find the action exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15061(b)(3).

ATTACHMENT

Attachment 1: Ordinance amending Placer County Code Chapter 15, Article 15.04.

cc: Steve Pedretti, CDRA Director
Karin Schwab, County Counsel
Tim Wegner, Chief Building Official
Ken Grehm, Department of Public Works Director
Wesley Nicks, Environmental Health Service Director
Jeff Brown, Human Services Director
Josh Huntsinger, Agricultural Commissioner
John McEldowney, Emergency Services

ATTACHMENT 1
Before the Board of Supervisors
County of Placer, State of California

In the matter of:

Amendments to Chapter 15, Article 15.04, Section
15.04.070 Permits

Ordinance No.: _____

Introduced: _____

The following Ordinance was duly passed by the Board of Supervisors of the County of Placer at a regular meeting held _____, by the following vote on roll call:

Ayes:

Noes:

Absent:

Signed and approved by me after its passage.

Chair, Board of Supervisors

Attest:

Clerk of said Board

THE BOARD OF SUPERVISORS OF THE COUNTY OF PLACER, STATE OF CALIFORNIA,
DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1: Placer County Code Chapter 15, Article 15.04, Section 15.04.070 "Permits", Section 105.2. "Work exempt from permit", is hereby amended as follows:

Building: Item 1, to be replaced as follows:

One-story detached ~~residential~~ accessory structures used as tool and storage sheds, playhouses and similar uses, provided the floor area does not exceed 120 square feet, when meeting Placer County Planning Services/zoning setback requirements, and the height does not exceed 12 feet measured from the lowest adjacent grade to the highest roof projection. A permit is required for any electrical, mechanical or plumbing work installed.

SECTION 2: Placer County Code Chapter 15, Article 15.04, Section 15.04.070 "Permits", Section 105.2. "Work exempt from permits", is hereby amended to add "Item 20" as follows:

20. Free-standing membrane type structures are exempt from Placer County permitting requirements when ALL of the following criteria are met:

- a) Structures are pre-manufactured and of the free-standing type with membrane covers as roofing and siding material: A non-pressurized building wherein the structure is composed of rigid framework to support a tensioned membrane which provides the weather barrier, composed entirely of factory built metal, plastic, or fabric to shelter household items, vehicles, used as patio shades, and similar;**
- b) Is not greater than 200 square feet in area;**
- c) When the structure is portable, meaning the structure is constructed without a permanent foundation and is capable of being moved intact;**
- d) When meeting Placer County Code Chapter 17 setback requirements;**
- e) When maintaining a minimum clearance of 10 feet from other buildings and a minimum of 5 feet from property lines, or Placer County Code Chapter 17 setback requirements, whichever is greater;**
- f) When the maximum height does not exceed 12 feet measured to the structure ridge from the lowest adjacent grade;**
- g) When the structure is properly anchored to earth/grade/hard surface per the manufacturer's recommendations;**
- h) When not used as a residence, living quarters or other uses except as noted in (a) above; and**
- i) When there's no electrical, plumbing or mechanical systems;**

Note: In the Tahoe basin, all membrane-covered frame structures must not create land coverage as defined by TRPA.

SECTION 3: Placer County Code Chapter 15, Article 15.04, Section 15.04.070 "Permits", Section 105.1.4. "Building permits during construction of subdivision improvements" is hereby amended as follows:

D. For the construction of model homes at all elevations, building permits that have met all other requirements for permit issuance may be issued by the building services division provided the following conditions are met as determined by the engineering and surveying division (model home permits will be conditionally issued with a restriction of non-occupancy of the structure):

1. Conditions of subsections ~~(B)(1)~~, (B)(2), (B)(6) and (B)(7) of this section have been satisfied.

SECTION 4: This ordinance shall take effect and be in full force thirty (30) days after the date of its passage. The Clerk is directed to publish this ordinance, or a summary thereof, within fifteen (15) days in accordance with government code section 25124.